

## **REMARKS**

### **I. Introduction**

The Current Action:

Allows claims 1, 3-6, 8, and 32-53;

Rejects claims 9, 10, 12, 13, 15, 17-19, 21, 22, 24, 26, 27, and 29 under 35 U.S.C. § 102(e); and

Objects to claims 11, 16, 20, 25, 30, and 31 as including allowable subject matter, but depending from a rejected base claim.

The Applicant thanks the Examiner for withdrawing the previous rejections and allowing claims 1, 3-6, 8, and 32-53.

In this Response, the Applicant has amended claims 18 and 26 to more clearly describe the claimed invention, and respectfully asserts that claims 18-22, 24-27, and 29-31 are patentable over the references of record. In addition, the arguments below fully traverse the rejections of 9, 10, 12, 13, 15, and 17 and fully traverse the objections to claims 11, 16, 20, 25, 30, and 31. Therefore, the Applicant respectfully asks the Examiner to reconsider and withdraw the pending objections and rejections and pass all pending claims to issue.

### **II. Arguments**

#### **A. The Claims Rejected**

The Current Action rejects each of claims 9, 10, 12, 13, 15, 17-19, 21, 22, 24, 26, 27, as anticipated by *Ciccarelli et al*, U.S. Patent No. 6,498,962 (hereinafter *Ciccarelli*). Many of the Applicant's arguments regarding *Ciccarelli* from the Response dated June 24, 2005 (hereinafter "Previous Response") remain applicable, and the Applicant hereby incorporates by reference the Previous Response. As both the this Response and the Previous Response demonstrate, each of the rejected claims recite limitations that are not taught by *Ciccarelli*. Thus, each of claims 9, 10, 12, 13, 15, 17-19, 21, 22, 24, 26, 27, and 29 is patentable over the rejection of record.

1. Claim 9

Independent claim 9 recites “determining optimal tuner power consumption from knowledge of the signals being processed by the tuner.” The Current Action attempts to match the abstract of *Ciccarelli* to this recitation, but, in doing so, incorrectly states *Ciccarelli*’s teachings in at least two critical ways. First, claim 9 describes a method “determining the optimal tuner power consumption.” *Ciccarelli* does not determine optimal power consumption, *Ciccarelli* describes a system that “minimizes power consumption,” irrespective of whether such minimization is optimal or not. *See Ciccarelli* at abstract line 3. Second, the method of claim 9 makes its determination “from knowledge of the signals being processed by the tuner.” *Ciccarelli* makes no determinations from “signals being processed,” but rather very specifically limits its system to using the “output signals from the receiver.” *See Ciccarelli* at abstract line 4. At the time *Ciccarelli*’s determinations are made, the signals being measured have always already been processed. At no time does *Ciccarelli* analyze or make determination based upon signals currently being processed. Thus, *Ciccarelli* can not be said to describe “determining optimal tuner power consumption from knowledge of the signals being processed by the tuner,” and the applicant respectfully asks the Examiner to withdraw the rejection.

Claims 10, 12, 13, 15, and 17 depend from claim 9, and thus each inherits that claim’s limitations. Although each of claims 10, 12, 13, 15, and 17 recite limitations that make it patentable in its own right, the Applicant respectfully asserts that each is patentable for, at least, depending from a patentable base claim. Therefore, the Applicant respectfully asks the Examiner to withdraw the rejection of claims 10, 12, 13, 15, and 17 as well.

2. Claim 18

Claim 18, as amended, recites “a circuit for determining acceptable tuner power consumption from knowledge of the input signal being processed by the tuner.” *Ciccarelli*, on the other hand, specifically limits its system to using “measurement of the non-linearity of the output signal from the receiver.” The Applicant believes that claim 18 clearly recites limitations not taught by *Ciccarelli*, and respectfully asks the Examiner to withdraw the rejection.

Claims 19, 21, 22, and 24 depend from claim 18, and inherit all of that claim's limitations. Although each of claims 19, 21, 22, and 24 contains limitations that make it patentable in its own right, the Applicant respectfully asserts that each is patentable for, at least, depending from a patentable base claim. Therefore, the applicant respectfully asks the Examiner to withdraw the rejection of claims 10, 21, 22, and 24 as well.

### 3. Claim 26

Claim 26, as amended, recites "circuitry for determining desired power consumption of certain tuner components from the knowledge of the input signals being processed by the tuner." *Ciccarelli*, on the other hand, specifically limits its system to using "measurement of the non-linearity of the output signal from the receiver." The Applicant believes that claim 26 clearly recites limitations not taught by *Ciccarelli*, and respectfully asks the Examiner to withdraw the rejection.

Claims 27 and 29 depend from claim 26, and inherit all of that claim's limitations. Although both claims 27 and 29 contain limitations that make them patentable in their own right, the Applicant respectfully asserts that each is patentable for, at least, depending from a patentable base claim. Therefore, the applicant respectfully asks the Examiner to withdraw the rejection of claims 27 and 29 as well.

### B. The Claims Objected to

The Current Action objects to claims 11, 16, 20, 25, 30, and 31 as depending from rejected base claims. In light of the amendments and arguments above, the Applicant respectfully asserts that this objection is now moot. Each of claims 11, 16, 20, 25, 30, and 31 depend from a patentable base claim, and the Applicant respectfully asks the Examiner to withdraw the objection.

## III. Conclusion

In view of the above, the Applicant believes the pending application is in condition for allowance.

The Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 49581/P016US/09806411 from which the undersigned is authorized to draw.

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Respectfully submitted,

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